

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

OP.No. 6792 of 1999(H)

PETITIONER:

**B.U.VELAYUDHAN,
S/O.UNNI, BLAVATHU PARAMBIL,
PANAMBUKAD, P.O. VALLARPADOM,
ERNAKULAM DISTRICT.**

BY ADV. SRI.B.K.PURUSHOTHAMAN

RESPONDENTS:

- 1. THE VILLAGE OFFICER,
MULAVUKAD VILLAGE OFFICE,
MULAVUKAD, ERNAKULAM DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.**

BY SPL. GOVERNMENT PLEADER SRI.TEKCHAND

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P.NO.11492/1999 IN O.P.NO.6792/199 H

DISMISSED

4/09/2007

SD/- ANTONY DOMINIC, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF RECEIPT NO.26 IN BOOK NO.3 DTD. 18/04/90 ISSUED BY R1.**
- EXT.P2: COPY OF RECEIPT NO.28 BOOK NO.28 DTD. 18/04/91 ISSUED BY R1.**
- EXT.P3: COPY OF RECEIPT NO.12 IN BOOK NO.283 DTD. 23/09/92 ISSUED BY R1.**
- EXT.P4: COPY OF RECEIPT NO.69 IN BOOK NO.434 DTD. 8/11/93 ISSUED BY R1.**
- EXT.P5: COPY OF RECEIPT NO.94 IN BOOK NO.476 DTD. 7/12/95 ISSUED BY R1.**
- EXT.P6: COPY OF RECEIPT NO.83 IN BOOK NO.655 DTD. 23/12/98 ISSUED BY R1.**
- EXT.P7: COPY OF LAWYER NOTICE SENT BY PETITIONER'S COUNSEL TO R1 DTD. 29/12/98.**
- EXT.P8: COPY OF LETTER NO.259/98 DTD. 04/01/99 ISSUED BY 1ST RESPONDENT TO THE PETITIONER'S COUNSEL.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC,J.

O.P No. 6792 of 1999

Dated this the 4th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to accept the land tax from the petitioner for the 72 cents of paddy field situated in Sy. No.656/2 of Mulavukad village and issue receipt thereof without insisting production of any pattayam or other registered document.

2. It is submitted that the 1st respondent did not accept the payment when tendered by the petitioner for the reason that Exhibits-P4 and P5 tax receipts for the previous year produced by the petitioner were in respect of 72 cents in Sy. No.556/2 while the attempt was to pay tax in respect of land in Sy. No.656/2. The inability of the respondent in accepting tax is explained by him in Exhibit-P8 reply to Exhibit-P7 notice also. It was therefore that the respondents asked for documents from the petitioner also.

Since the facts are as stated above, the respondent cannot be faulted for his inability to accept tax or for asking for the production of documents and title deeds. In the light of these, I

do not find any justification to direct the respondent to accept tax as sought for by the petitioner.

The writ petition lacks merit and it is only to be dismissed.

(ANTONY DOMINIC, JUDGE)

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/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007